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JAN 11 2005
PATENT & TRADEMARK OFFICE

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
110/02239

In Re Application Of: Oren GLOBERMAN et al

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/890,172	July 25, 2001	PREBILIC, P. B.	44909	3738	7714

Title: EXPANDABLE INTERVERTEBRAL SPACER

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☐ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☒ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☒ the statement specified in 37 CFR 1.97(e);

OR

☐ the fee set forth in 37 CFR 1.17(p).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

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Title: EXPANDABLE INTERVERTEBRAL SPACER

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 03-3419 as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

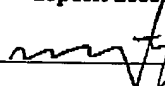
Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. _____)
(Date) _____
Signature _____
Typed or Printed Name of Person Signing Certificate _____

Certificate of Mailing by First Class Mail

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____
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Signature

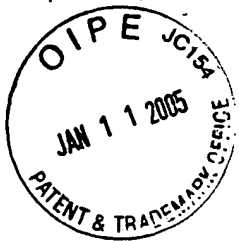
Dated: November 18, 2004

Maier FENSTER, Reg. No. 41,016

William H. Dippert, Esq.
Reed Smith LLP
599 Lexington Avenue, 29th Floor
New York, NY 10022-7650

Tel: (212) 521-5400

cc:



110/02239

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In regard to the application of: Oren GLOBERMAN et al.

Serial No : 09/890,172

Group Art Unit: 3738

Filed : July 25, 2001

Examiner: PREBILIC, P. B.

For : Expandable Intervertebral Spacer

SIXTH SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Hon. Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully direct the attention of the Examiner to additional art cited with respect to U.S. Application No. 09/890,172 which is a U.S. national stage application under 35 U.S.C. §371 of PCT Application No. PCT/IL00/00058.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP §2001.06, MPEP §1893.03(e) and §MPEP 1893.03(g) and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is an Equivalent to Form PTO-1449 listing the cited art. This art contains information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

Applicants wish to point out that item 1 was cited in an Office Action dated October 19, 2004 in a related U.S. Application No. 10/628,499. Copy of this item is not attached, as the USPTO waived the requirement under 37 C.F.R. §1.98(a)(2)(i) for submitting copies of U.S. patents and U.S. patent application publications in all U.S. applications filed after June 30, 2003. See MPEP §609 III A(2).

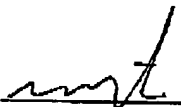
A Certification under 37 C.F.R. §1.97(e) is attached herewith.

In accordance with MPEP §609 it is requested that each document cited [including any mentioned in Applicants' specification which is not repeated on the attached {or prior) PTO-1449 form(s) or equivalent(s) thereof] be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form or its equivalent, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

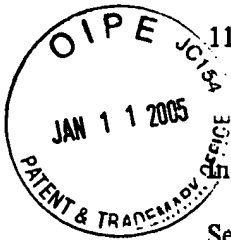
Respectfully submitted,
Oren GLOBERMAN, et al.



Maier FENSTER,
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November 18, 2004
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110/02239

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In regard to the application of: Oren GLOBERMAN et al.

Serial No : 09/890,172

Group Art Unit: 3738

Filed : July 25, 2001

Examiner: PREBILIC, P. B.

For : Expandable Intervertebral Spacer

CERTIFICATION UNDER 37 CFR §1.97(e)

Mail Stop Amendment
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, 22313-1450


Sir:

This is to certify that the information contained in the attached supplementary Information Disclosure Statement was first cited in an office action dated October 19, 2004 from the U.S. Patent and Trademark Office in U.S. Application No. 10/628,499, not more than three months prior to the filing of the Information Disclosure Statement.

Attached is a copy of the first page of the office action, clearly showing that the supplementary Information Disclosure Statement is being submitted within 3 months of the date of the office action.

The Examiner is respectfully requested to review the art in accordance with 37 C.F.R. §1.97(e).

Respectfully submitted,
Oren GLOBERMAN et al.


Maier FENSTER,
Registration No. 41,016

November 18, 2004
William H. Dippert, Esq.
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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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JAN 11 2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,499	07/28/2003	Mordechay Boyar	110/03668	5064

7590

10/19/2004

William H. Dippert, Esq.
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New York, NY 10022-7650

EXAMINER

ROBERT, EDUARDO C

ART UNIT

PAPER NUMBER

3732

DATE MAILED: 10/19/2004

Due: 19-Jan-05

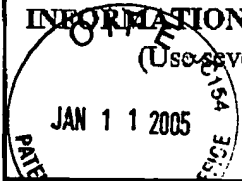
DL: 19-Apr-05

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKET

DUE

1st DUE Jan-19, 2005 Reply Due
April 19, 2005 Deadlines

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) 	ATTY DOCKET NO. 110/02239	SERIAL NO. 09/890,172
	APPLICANT(S) Oren GLOBERMAN et al.	
	FILING July 25, 2001	GROUP 3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate

U.S. PATENT APPLICATION PUBLICATIONS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	1 2002/0068975	06/06/2002	TEITELBAUM, G. P. et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

EXAMINER		DATE CONSIDERED
<small>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>		

Equivalent to Form PTO-1449

Patent and Trademark Office*U.S. DEPARTMENT OF COMMERCE